REMARKS

The Official Action mailed December 16, 2009, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to April 16, 2010. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 14, 2006; November 15, 2006; and February 11, 2009.

Claims 1-4 are pending in the present application, of which claims 1-3 are independent. Claims 1-3 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-4 as obvious based on the combination of U.S. Patent No. 5,790,527 to Janky and U.S. Publication No. 2001/0031624 to Schmutz. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the

problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. For example, claim 1 has been amended to recite connecting the repeater relay station to the FDMA relay station by a line to forward the call signal received by the repeater relay station to the FDMA relay station after adding a relay station identifier and relay station communication information to the received call signal; setting the forwarded call signal in a terminal control information field in a control signal and setting auxiliary information in a system information field in the control signal at the FDMA relay station; transmitting the control signal to an FDMA wireless terminal in the wireless communication network using FDMA system; and detecting by the FDMA wireless terminal, which has received the control signal having the terminal control information field and system information field, the call signal being from the repeater wireless terminal and a downlink frequency (e.g., f2) of the repeater relay station, on the basis of the received control signal. These features are supported in the present specification, for example, by Figure 3, and page 7, line 18, to page 9, line 18. Claims 2 and 3 have been similarly amended. For the reasons provided below, Janky and Schmutz, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Applicant respectfully submits that the present invention is unique in adopting an arrangement by which an FDMA wireless terminal can communicate directly via a repeater relay station (without involving an FDMA relay station) with a repeater wireless terminal, the arrangement comprising a sequence of the following processing steps (i) through (vi):

(i) A repeater relay station forwards a call signal received from a repeater wireless terminal to an FDMA relay station.

(ii) The FDMA relay station sets the forwarded call signal in a control signal which is in turn transmitted to an FDMA wireless terminal.

(iii) The FDMA wireless terminal, which has received the control signal, detects on the basis of the received control signal

(a) that the call signal is from the repeater wireless terminal, and

(b) a downlink of the repeater relay station is f2.

(iv) The FDMA wireless terminal switches its own reception frequency from a (current) downlink frequency f3 of the FDMA relay station to the downlink frequency f2 of the repeater relay station.

(v) The repeater relay station receives a signal transmitted by the repeater wireless terminal to relay-transmit a voice signal contained in the received signal to the downlink frequency f2.

(vi) The FDMA wireless terminal, whose reception frequency has been switched to the downlink frequency f2, receives the voice signal from the repeater wireless terminal so that the FDMA wireless terminal communicates via the repeater relay station with the repeater wireless terminal.

Furthermore, the present invention is unique in having the following technical features, which have been clarified in the present *Amendment*:

(i) In a repeater relay station which has received a call signal from a repeater wireless terminal, a relay station identifier and relay station communication information are added to the received call signal.

(ii) In an FDMA relay station which has received the call signal from the repeater relay station, the call signal is set in a terminal control information field in a control signal and auxiliary information is set in a system information field in the control signal.

(iii) An FDMA wireless terminal in a wireless communication network using FDMA system receives the control signal having the terminal control information field and the system information field, which is transmitted from the FDMA relay station.

The Applicant respectfully submits that Janky and Schmutz, either alone or in combination, do not teach or suggest the above-referenced features of the amended independent claims.

Since Janky and Schmutz do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789